

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES VERDEL FARNSWORTH,

Plaintiff,

v.

PIERCE COUNTY JAIL, et al.,

Defendants.

Case No. C04-5780RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon plaintiff's letter/motion to remove the assessment to his prison trust account of the filing fee for this case [Dkt. #75].


Having considered the entirety of the records and file herein, the Court rules as follows:

Plaintiff was initially granted permission to proceed *in forma pauperis* [Dkt. #3]. This IFP status was revoked on August 9, 2005 [Dkt. #61] due to plaintiff's previous filings of frivolous lawsuits. Plaintiff did not pay the filing fee and filed a Notice of Appeal of that decision revoking his IFP status on August 16, 2005 [Dkt. #62]. On November 15, 2005 the United States Court of Appeals for the Ninth Circuit entered an Order granting plaintiff's motion to voluntarily dismiss his appeal [Dkt. #69]. Because plaintiff's IFP status was revoked and this case was dismissed for failure to pay the filing fee [see Dkt. #71], the plaintiff's prison trust account should not be debited for the filing fee in No. 04-5780RBL. This Order does not affect any other cases in which plaintiff may be responsible for paying the filing fee. It is therefore

ORDERED that plaintiff's letter/motion as to No. 04-5780RBL is **GRANTED**.

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
2 pro se.

3 Dated this 22ndday of November, 2006.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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